

AGENDA BILL APPROVAL FORM

Agenda Subject: Resolution No. 4467		Date: March 31, 2009
Department: Legal	Attachments: Resolution No. 4467	Budget Impact:

Administrative Recommendation:
City Council adopt Resolution No. 4467.

Background Summary:

On February 2, 2004, the Auburn City Council adopted Ordinance No. 5802 approving the Rules of Procedure of the City Council. Ordinance No. 5802 also provides that the Council Rules of Procedure may be amended by resolution of the Council.

The Council Committee on Committees recently reviewed the Rules of Procedure and recommends the adoption of amendments as identified in the attached resolution.

A0406-1
A3.6

Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 48%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action:
 Committee Approval: ☐ Yes ☐ No
 Council Approval: ☐ Yes ☐ No
 Referred to _____ Until ____/____/____
 Tabled _____ Until ____/____/____
 Call for Public Hearing ____/____/____

Councilmember: Wagner	Staff: Heid
Meeting Date: April 6, 2009	Item Number: VIII.B.3

RESOLUTION NO. 4 4 6 7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING THE CITY
COUNCIL RULES OF PROCEDURE AS ADOPTED BY
ORDINANCE NO. 5802 AND AMENDED BY RESOLUTION
NO. 4282 AND RESOLUTION NO. 4429

WHEREAS, on February 2, 2004, the Auburn City Council adopted Ordinance No. 5802 approving the Rules of Procedure of the City Council; and

WHEREAS, Ordinance No. 5802 also provided that future amendments or modifications to the Council Rules of Procedure could be accomplished by Resolution properly introduced and passed by the City Council; and

WHEREAS, on December 12, 2007, and December 15, 2008, the City Council passed Resolution Numbers 4282 and 4429, respectively, which Resolutions adopted certain modifications to the Council Rules of Procedure; and

WHEREAS, the Council Committee on Committees has recommended additional modifications to the Rules of Procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, IN A REGULAR MEETING DULY ASSEMBLED, HEREWITH RESOLVES AS FOLLOWS:

Section 1. The Rules of Procedure of the City Council, as adopted by Ordinance No. 5802 on February 2, 2004, and amended by Resolution 4282 on December 12, 2007, and amended by Resolution 4429 on December 15, 2008, are hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This Resolution shall take effect and be in full force and effect upon passage and signature hereon.

DATED and SIGNED this ____ day of _____, 2009.

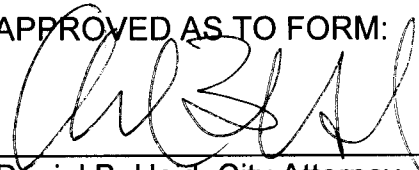
CITY OF AUBURN

PETER B. LEWIS, MAYOR

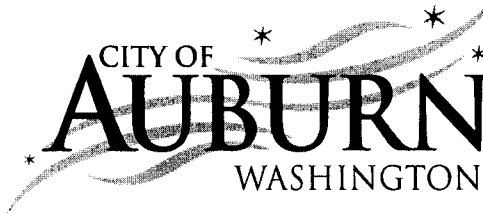
ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney



RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

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RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

SECTION 1 - AUTHORITY

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code¹.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

- 2.1 Regular Meetings** - In accordance with Sections 2.06.010 and 2.06.020 of the City Code, the regular meetings of the City Council shall held on the first and third Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

¹ 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues appropriate for consideration by the council and the various boards, commissions and committees of the city. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 5761 § 1, 2003.)

Regular Council meetings will begin at the hour of 7:30 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Council meeting falls on a legal holiday, the meeting shall be held at 7:30 p.m. on the first business day following the holiday.

The Mayor shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Mayor's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the Committee on Committees.

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

- 2.2 **Special Meetings** - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

- 2.3 **Emergency Meetings** - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

- 2.4 **Executive Sessions** - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Council Regular and Special meetings of the City Council and during Council Committee meetings, and will be announced by the Mayor or Chair. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

- 2.5 **Cancellation of Meetings** - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

The agenda format of the Regular City Council meeting shall be as follows:

- 3.1 Call to order.

The Mayor shall call the meeting to order.

- 3.2 Roll call.

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

- 3.3 Flag salute.

The Mayor, Councilmembers and, at times, invited guests will lead the flag salute.

- 3.4 Announcements, Proclamations and Presentations

A proclamation is defined as an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

- 3.5 Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

3.6 Agenda modifications

Changes to the Council's published agenda are announced at this time.

3.7 Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Mayor will state the public hearing and/or appeal procedures before each hearing.

3.8 Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Mayor.

3.9 Correspondence

3.10 Council Committee Reports

Council Committee Chairs report on action and activities of their respective Council Committees.

3.11 Councilmember Reports

Councilmembers may report on significant activities since the last regular meeting. Councilmember reports are to include only information coming from

appointed positions. Councilmember reports are to be directed to fellow Councilmembers.

3.12 Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

- a. Approval of minutes.
- b. Fixing dates for public hearings and appeals.
- c. Approval of claims and vouchers, bid awards and contracts.
- d. Approval of surplus property.
- e. Other items designated by the City Council.

3.13 Unfinished Business

Unfinished business of a general nature.

3.14 New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

3.15 Ordinances

All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, Provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and Provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

3.16 Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

3.17 Adjournment

Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS

- 4.1 Councilmembers shall attend Regular Council meetings. Councilmembers will inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting, or if they knowingly will be late to any meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting and the reason for his or her unavailability prior to the time

for which the meeting has been scheduled, which reason or a general description of the reason shall be referenced in the meeting minutes. The the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Attendance at Council special meetings is not mandatory and will not be considered for purposes of RCW 35A.12.060.

[See ACC 2.06.050 and RCW 35A.12.060]

- 4.2 Councilmembers shall attend the meetings of the Council Committees to which they are assigned, including meetings of the Council Committee of the Whole to which all Councilmembers are assigned. Councilmembers will inform the Chair of such Council Committees or the City Clerk if they are unable to attend any meetings of such Council Committees, or shall so inform the Chair or City Clerk if they knowingly will be late to any such Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Committee meeting and the reason for his or her unavailability prior to the time for which the Committee meeting has been scheduled, which reason or a general description of the reason shall be referenced in the meeting minutes, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting.
- 4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, will inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they knowingly will be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting and the reason for his or her unavailability prior to the time for which the meeting has been scheduled, which reason or a general description of the reason shall be referenced in the meeting minutes, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting.
- 4.4 Attendance at Council Committee meetings and Special meetings will not be considered "regular meetings" for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any required meetings, Regular or Special meetings, or Committee meetings, shall constitute a violation of these Rules of Procedure.

SECTION 5 - PRESIDING OFFICER - DUTIES

5.1 Conduct of Meetings

The Presiding Officer at all meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the

Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

5.2 The Presiding Officer:

- a. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- b. Shall observe and enforce all rules adopted by the Council;
- c. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- d. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;
- e. May affix approximate time limit for each agenda item;
- f. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.

- 6.3 Obligation to the Public Agency. – Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers shall act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Councilmembers are encouraged to participate in training offered through by individuals, agencies, entities and organizations such as including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Councilmembers are expected to participate in assignments to regional, state and national committees, agencies and organizations to better represent the interests of the City of Auburn.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 7 - DEBATES

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2a of these rules.
- 7.3 Courtesy. -All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such

member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.

- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).
- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.
- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting

at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.

- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.
- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Mayor, City Attorney or City Clerk should repeat the motion prior to voting.

- 8.17 The City Clerk will take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, ~~but no motion for reconsideration of a vote shall be made until the next Regular City Council meeting.~~ In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

SECTION 9 - VOTING

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of "yea or nay" vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote - A roll call vote may be requested by the Mayor or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

SECTION 11 - PUBLIC HEARINGS AND APPEALS

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:
- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.
 - B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
 - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
 - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
 - E. The City Clerk shall serve as timekeeper during these hearings.

- F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.

11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:

- A. The Department Director or designee shall present the issue to the Council and respond to questions.
- B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
- C. The City Clerk shall serve as timekeeper during these hearings.
- D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
- F. The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

SECTION 12 - DEPUTY MAYOR SELECTION PROCESS

- 12.1 Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.
- 12.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

SECTION 13 - COUNCIL POSITION VACANCY

- 13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

SECTION 14 - COUNCIL MEETING STAFFING

- 14.1 Department Directors shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

SECTION 15 - COUNCIL RELATIONS WITH STAFF

- 15.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 All written informational material requested of City staff by any individual Councilmembers shall be submitted to (or made available to) all Councilmembers, unless directed otherwise by the individual receiving Councilmember(s), or unless other reasons preclude such distribution, in which case the reasons shall be communicated to the Councilmembers by the Mayor or designee.
- 15.4 Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

- 15.5 Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.
- 15.6 No Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.
- 15.7 Individual requests for information can be made directly Department Directors unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.
- 15.8 Councilmembers shall treat City staff with courtesy and respect.

SECTION 16 - COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS

16.1 The Standing Committees of the City Council of the City of Auburn are as follows:

A. PUBLIC WORKS:

Makes recommendations to the City Council as a whole on policies relating to water and sanitary sewer utilities, storm drainage, streets and policy matters involving construction, engineering, right-of-way use, street vacation and equipment maintenance and operations. This Committee will coordinate equipment rental and utility matters with the Finance Committee.

B. FINANCE:

In addition to the normal monitoring of the financial expenditures of the approved budget, this Committee will make recommendations to the City Council as a whole on policies relating to human resources, municipal court, legal, information services, and City real property transactions including sale, lease, acquisition, and donations. This committee will coordinate property transactions with other appropriate Council Committees.

C. PLANNING AND COMMUNITY DEVELOPMENT:

Makes recommendations to the City Council as a whole on policies relating to land use planning and zoning, code enforcement, annexation, building permits, human services, parks and recreation, arts, museum,

senior center, Mary Olson Farm, communications, economic development, community services, theater, and King County Library liaison.

D. MUNICIPAL SERVICES:

Makes recommendations to the City Council as a whole on policies relating to police, animal control, and maintenance of all public buildings, emergency planning, cable TV, telecommunications, solid waste, airport, golf course, and cemetery.

E. COMMUNITY CENTER COMMITTEE

Makes recommendations to the City Council as a whole on policies relating to development and ongoing use of the Community Center and Teen Center facilities at Les Gove Community Campus.

F. DOWNTOWN REDEVELOPMENT COMMITTEE

Makes recommendations to the City Council as a whole on policies relating to development in the Downtown Urban Core, Farmers Market, downtown development agreements and operating policies.

G. COMMITTEE ON COMMITTEES:

There is created and established a Council Committee on Committees for the city council, the appointment, duties and functions thereof to be as follows:

1. Appointment. Membership of the Council Committee on Committees shall consist of three Councilmembers having the longest tenure on the City Council. Longest tenure is to be calculated as the total length of consecutive service as a Councilmember. The Councilmember with the longest tenure shall automatically be the Chair of the Council Committee on Committees. In the event of two or more members have equal tenure, the Chair and members of the Council Committee on Committees shall be selected on the basis of the largest number of votes received at the most recent general election(s) in which the Councilmembers were respectively elected. It is provided, however, that Councilmembers whose term of office will expire prior to or during the first meeting of a new City Council and who have not been re-elected or appointed to another term of office extending beyond the first meeting of a new City Council shall not serve on the new Council Committee on Committees or be allowed to vote on the approval of the membership of the new committees.

2. Powers and Functions. The function of the Council Committee on Committees is to supervise the formation and membership of all standing committees of the City Council. The Council Committee on Committees shall, subject to the approval of a majority of the entire City Council, designate all of the standing committees of the City Council. In addition, the Council Committee on Committees shall, biennially at the first meeting of a new City Council, or periodically, submit a list of the proposed members of all standing committees of the City Council for approval by a majority vote of the entire City Council. The Council Committee on Committees shall also recommend the Chair for each standing committee of the City Council, which recommendations shall also be subject to approval by a majority vote of the entire City Council. The membership of all standing committees of the City Council shall consist exclusively of Councilmembers. Each chair of any standing committee of the City Council shall, in the absence of a quorum at a meeting of his/her particular standing committee, have the authority to appoint a non-member of the standing committee, from the City Council to that standing committee for that meeting to create a quorum for that meeting, or in the chair's absence the vice-chairman shall be able to appoint another Councilmember to that particular committee in the absence of a quorum. The function of the Council Committee on Committees is also to propose amendments to the Rules of Procedure of the City Council to the full City Council, and to address issues relating to the whole City Council and make recommendations for action by the full City Council relative to such issues. The Council Committee on Committees shall also evaluate and recommend to the whole City Council any actions, responses or sanctions for violations by Councilmembers of these Rules of Procedure, which recommendation shall be considered, voted and/ or acted upon by the City Council in the normal course.

3. Meeting Dates. The Council Committee on Committees shall meet biennially upon the seating of each new City Council or more often as needed.

[See former ACC 2.06.220 (Ord. 4319 §§ 2, 3, 1989; Ord. 3937 § 1, 1984; Ord. 3606 § 1, 1981; Ord. 2786 § 1, 1974; Ord. 2745 § 1, 1973; 1957 code § 1.04.240).]

16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, including such ad hoc committees.

- 16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with no committee recommendation.
- 16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.

SECTION 17 - COUNCIL REPRESENTATION

- 17.1 If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember needs to state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position.
- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.

SECTION 18 - TRAVEL AUTHORIZATION

- 18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

SECTION 19 - CONFIDENTIALITY

- 19.1 Councilmembers ~~should~~ shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE

- 20.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009